

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY
WRIT PETITION NO : 11603 of 2004

Between:

Porapu Venkata Rambabu, S/o. Ramaswamy,
R/o. Addateegala Village & Mandal, East Godavari District.

..... PETITIONER

AND

- 1 The Additional Agent to the Government, Rampachodavaram,
East Godavari District.
- 2 The Special Deputy Collector, (Tribal Welfare),
Rampachodavaram, East Godavari District.
- 3 The Mandal Revenue Officer, Addateegala, East Godavari
District.
- 4 The Special Deputy Tahasildar (Tribal Welfare), Addateegala,
East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in evicting the petitioner from the lands to an extent of Ac.4.18 cents in Sy.No. 46/1 of Venkatanagaram Village, Addateegala Mandal, East Godavari District, in pursuance of the order of the 2nd respondent in LTRP No. 43 of 2003, dated 11-3-2004 is illegal, arbitrary and unjust and consequently direct the respondents not to dispossess petitioner from the above lands, pending disposal of the appeal pending before the 1st respondent, and to pass

Counsel for the Petitioner: **MR.K.VENKATESH.**

Counsel for the Respondents : GP FOR SOCIAL WELFARE

The Court at the admission stage made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the inaction on the part of the first respondent in passing orders on the stay petition, pending disposal of the appeal filed by him against the order of the second respondent in L.T.R.P. No. 46 of 2003, dated 11-02-2004.

According to the petitioner, his grandfather late Porapu Sanyasaya has purchased an extent of Ac.5.18 cents of land in Survey No.46/1, situated at Venkatanagaram Village, Addateegala Mandal, East Godavari District, under a registered sale deed dated 22-5-1950. Since then the petitioner's grandfather and thereafter the petitioner's family members are in continuous possession and enjoyment of the same. While so, the second respondent initiated proceedings against the petitioner at the instance of the Special Deputy Tahasildar-the fourth respondent and conducted enquiry under the provisions of the Andhra Pradesh Scheduled Area Land Transfer Regulations 1/59 as amended by 1/70. The second respondent passed an order of ejection against the petitioner on an erroneous view of the facts and law. Aggrieved by that the petitioner filed an appeal before the first respondent along with a petition for stay of the proceedings of the second respondent, but so far the first respondent did not pass any orders on the stay petition, therefore, the petitioner has come up with the present writ petition, as the respondents are threatening to evict the petitioner in pursuance of the orders of the second respondent. Pending disposal of the appeal by the first respondent, the petitioner sought to protect his possession by appropriate orders.

Heard the learned counsel for the petitioner and the learned Government Pleader.

Admittedly, the petitioner filed the appeal against the order of the second respondent which is pending before the first respondent. As no orders have been passed so far by the first respondent even on the stay petition, it would be appropriate to protect the possession of the

petitioner pending disposal of the appeal.

Accordingly, the first respondent is directed to dispose of the appeal filed by the petitioner, expeditiously, preferably within a period of three months from the date of receipt of a copy of this order. Pending disposal of the appeal by the first respondent, respondents are directed not to dispossess the petitioner from the scheduled land.

The writ petition is accordingly disposed of at the admission stage.

08-07-2004

ES/VRN

To

- 1 The Additional Agent to the Government, Rampachodavaram, East Godavari District.
- 2 The Special Deputy Collector, (Tribal Welfare), Rampachodavaram, East Godavari District.
- 3 The Mandal Revenue Officer, Addateegala, East Godavari District.
- 4 The Special Deputy Tahasildar (Tribal Welfare), Addateegala, East Godavari District.
5. 2 CCs to the G.P. for Social Welfare, High Court Buildings, High Court of Hyderabad, (OUT).
6. 2 CD copies.